UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,876	05/15/2006	Philip Scanlan	WORLDLINGO 05-02	2509

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EXAMINER
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ART UNIT	PAPER NUMBER
2178	

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
	10/560,876	SCANLAN, PHILIP
	Examiner	Art Unit
	Manglesh M. Patel	2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>15 May 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-9</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-9</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>12 December 2005</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   This **Non-Final** action is responsive to the application filed on 05/15/06.

2.   Claims 1-9 are pending. Claims 1, 6, 7 and 8 are independent claims.

Priority

3.   Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has

been filed in PCT /AU02/00249, filed on March 6, 2001.

Drawings

4.   The examiner has accepted the Drawings filed on 12/12/2005.

Double Patenting

5.   A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

        A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

6.   Claims 1-9 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 1-9 of

copending Application No. 10/657555. This is a provisional double patenting rejection since the conflicting claims have not in

fact been patented.

        Regarding claims 1-9; see ('555, Claims 1-9 respectively);

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under

this section made in this Office action:

        A person shall be entitled to a patent unless –

        (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

8.   Claims 6 & 8-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Berstis (U.S. 6,901,367, filed Jan 28, 1999).

Regarding Independent claim 6, Berstis discloses a seamless translation system comprising:

- An originating computer sending an electronic communication (column 3, lines 55-67, wherein the communicated data arrives and is processed by the data system thereby including an originating computer);

- A receiving computer receiving a translated electronic communication (column 3, lines 55-67, wherein the communicated data arrives and is processed by the data system thereby including a computer for receiving the communication);

- A network connecting the originating computer to the receiving computer (column 3, lines 55-67, wherein the communicated data arrives and is processed by the data system within a network);

- And a translation manager performing the steps of: automatically determining the language of the electronic communication (fig 3 & column 7, lines 5-67 & column 8, lines 1-67, wherein the source language is determined by a language identifier process when the function is set to automatic translation);

- Automatically determining the preferred language of a user of the receiving computer (fig 3 & column 7, lines 5-67 & column 8, lines 1-67, wherein the language translation center handles the automatic translation including the preferred language of the receiving computer);

- Obtaining a translation from the language of the communication to the language of the user (fig 3 & column 7, lines 5-67 & column 8, lines 1-67, wherein the translated text and the original communicated text is sent to the output thereby it includes obtaining the translation from the translation center);

- Sending the translated communication to the user (fig 3 & column 7, lines 5-67 & column 8, lines 1-67, wherein the translated text is sent to the user).

Regarding Independent claim 8, Berstis discloses a seamless translation system comprising:

- An originating computer sending an electronic communication (column 3, lines 55-67, wherein the communicated data arrives and is processed by the data system thereby including an originating computer);

- A receiving computer receiving a translated electronic communication (column 3, lines 55-67, wherein the communicated data arrives and is processed by the data system thereby including a computer to receive the communication);

- A network connecting the originating computer to the receiving computer (column 3, lines 55-67, wherein the communicated data arrives and is processed by the data system within a network);

- Automatic means for determining the language of the electronic communication (fig 3 & column 7, lines 5-67 & column 8, lines 1-67, wherein the language translation center handles the automatic translation including the preferred language of the receiving computer);

- Automatic means for determining the preferred language of a user of the receiving computer (fig 3 & column 7, lines 5-67 & column 8, lines 1-67, wherein the language translation center handles the automatic translation including the preferred language of the receiving computer);

- Means for obtaining a translation from the language of the communication to the language of the user (fig 3 & column 7, lines 5-67 & column 8, lines 1-67, wherein the translated text and the original communicated text is sent to the output thereby it includes obtaining the translation from the translation center);

- Means for sending the translated electronic communication to the user (fig 3 & column 7, lines 5-67 & column 8, lines 1-67, wherein the translated text is sent to the user).

Regarding Dependent claim 9, with dependency of claim 8, Berstis discloses a seamless translation system comprising a translation manager, said translation manager including:

- Said automatic means for determining the language of the electronic communication (column 7, lines 45-67, wherein when the system is set with automatic translation then a determination is made by comparing the source language with the target language to determine a required translation from the language translation center 311 of figure 3);

- Said automatic means for determining the preferred language of a user of the receiving computer (column 7, lines 45-67, wherein when the system is set with automatic translation then a determination is made by comparing the source language with the target language to determine a required translation from the language translation center 311 of figure 3);

- Said means for obtaining a translation from the language of the communication to the language of the user (fig 3 & column 7, lines 5-67 & column 8, lines 1-67, wherein the language translation center handles the translation from the communication to the user language);

- Said means for sending the translated electronic communication to the user (fig 3 & column 7, lines 5-67 & column 8, lines 1-67, wherein the translated communication is sent to the user from the translation center).

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this

Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10.   Claims 1-5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berstis (U.S. 6,901,367, filed Jan 28,

1999) in view of Siefert (U.S. 5,778,380 filed on Apr 9, 1997).

> **Regarding Independent claim 1**, A method of automatic translation of an electronic communication from a
>
> source language to one or more target languages including the steps of: Berstis discloses determining the source
>
> language of the electronic communication by identifying a translation identifier or parsing said electronic
>
> communication with a language identifier means (fig 3 & column 7, lines 5-67 & column 8, lines 1-67, wherein
>
> the source language is determined by a language identifier process when the function is set to automatic
>
> translation); Comparing the target language and source language to determine a required translation (column 7,
>
> lines 45-67, wherein when the system is set with automatic translation then a determination is made by comparing
>
> the source language with the target language to determine a required translation from the language translation
>
> center 311 of figure 3); Obtaining the required translation (fig 3 & column 7, lines 5-67 & column 8, lines 1-67,
>
> wherein the translated text and the original communicated text is sent to the output thereby it includes obtaining
>
> the translation from the translation center); And displaying the translated electronic communication to the user (fig
>
> 3 & column 7, lines 5-67 & column 8, lines 1-67, wherein the translated text and the original communicated text is
>
> sent to the output where it is displayed to the user in step 317 of fig 3 thereby it includes displaying the translated
>
> communication to a user). Berstis fails to explicitly teach a user profile. Siefert teaches determining the target
>
> language for the electronic communication by reading a user profile of a user receiving the electronic
>
> communication (abstract & column 2, lines 38-60, wherein the invention identifies the language in a text file
>
> [source] and translates the language into another language specified by the user, according to a user profile
>
> setting); Berstis and Siefert are analogous art because they are from the same field of endeavor of language
>
> translation systems. Berstis teaches the automatic language translation based on user settings but does not
>
> explicitly teach the use of a user profile Siefert discloses language translation based on a user profile. At the time
>
> of the invention it would have been obvious to a person of ordinary skill in the art to have included the use of a
>
> user profile for setting a translation system. The motivation for doing so would have been to prevent the user from

repeatedly setting translation options saving time by loading a user profile. Therefore it would have been obvious to combine the teachings of Siefert with Berstis for the benefits of allowing automatic translation from a source to a target language by implementing a user profile to automatically load translation settings as described by the user thereby saving time.

Regarding Dependent claim 2, with dependency of claim 1, Berstis discloses a method of automatic translation of an electronic communication according to claim 1 wherein, the translation identifier is a language identifier such as an HTML tag in an HTML document (column 5, lines 60-67 & column 6, lines 1-10, wherein the language identifier includes HTML tags).

Regarding Dependent claim 3, with dependency of claim 1, Berstis discloses a method of automatic translation of an electronic communication: Berstis discloses wherein the translation identifier is a translation information segment (fig 3 & column 7, lines 5-67 & column 8, lines 1-67, wherein the language identification steps include a translation information segment).

Regarding Dependent claim 4, with dependency of claim 1, Berstis discloses a method of automatic translation of an electronic communication according to claim 1, wherein, if there is no translation identifier in said electronic communication, the method comprises the further step of: Parsing the communication with a language identifier software to determine the source language of the communication or obtaining human intervention to identify the source language (figs 3 & 4 & column 7, lines 5-67 & column 8, lines 1-67, wherein the language translation center consists of software algorithm that implements translations from one language to another thereby inherently including the step of parsing the communication).

Regarding Dependent claim 5, with dependency of claim 1, Berstis discloses a method of automatic translation of an electronic communication wherein the step of determining the target language further includes the step of: Although Berstis allows modification set by a user for language translation system, he fails to explicitly teach the use of a user profile. Siefert disclose reading a cookie or a file on a receiving machine to obtain the user profile or obtaining a preference language from a single sign-on system, such as Microsoft Passport. TM. or other information repository (abstract & column 2, lines 38-60). Berstis and Siefert are analogous art because they are from the same field of endeavor of language translation systems. Berstis teaches the automatic language

translation based on user settings but does not explicitly teach the use of a user profile Siefert discloses language translation based on a user profile. At the time of the invention it would have been obvious to a person of ordinary skill in the art to have included the use of a user profile for setting a translation system. The motivation for doing so would have been to prevent the user from repeatedly setting translation options saving time by loading a user profile. Therefore it would have been obvious to combine the teachings of Siefert with Berstis for the benefits of allowing automatic translation from a source to a target language by implementing a user profile to automatically load translation settings as described by the user thereby saving time.

Regarding Independent claim 7, Berstis discloses a seamless translation system comprising: An electronic communication originating from a source and in a source language containing a translation identifier (fig 3 & column 7, lines 5-67 & column 8, lines 1-67); And a translation manager including means for determining the source language and a target language of said electronic communication (column 7, lines 45-67, wherein when the system is set with automatic translation then a determination is made by comparing the source language with the target language to determine a required translation from the language translation center 311 of figure 3); Wherein the translation manager executes a required translation of said source language to said target language using the translation identifier and the user profile (fig 3 & column 7, lines 5-67 & column 8, lines 1-67, wherein the translation center performs the translation using the translation identifier). Berstis fails to explicitly teach a user profile. Siefert teaches a user profile (abstract & column 2, lines 38-60, wherein the invention identifies the language in a text file [source] and translates the language into another language specified by the user, according to a user profile setting); Berstis and Siefert are analogous art because they are from the same field of endeavor of language translation systems. Berstis teaches the automatic language translation based on user settings but does not explicitly teach the use of a user profile Siefert discloses language translation based on a user profile. At the time of the invention it would have been obvious to a person of ordinary skill in the art to have included the use of a user profile for setting a translation system. The motivation for doing so would have been to prevent the user from repeatedly setting translation options saving time by loading a user profile. Therefore it would have been obvious to combine the teachings of Siefert with Berstis for the benefits of allowing automatic translation from a source to a target language by implementing a user profile to automatically load translation settings as described by the user thereby saving time.

It is noted that any citation [[s]] to specific, pages, columns, lines, or figures in the prior art references and any

interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all

it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in

the art. [[See, MPEP 2123]]

Conclusion

Other Prior Art Cited

11.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

* Bernth et al. (U.S. 6,285,978) discloses "System And Method For Estimating Accuracy Of An Automatic

  Natural Language Translation"

* Spector (U.S. Pub 2002/0123879) discloses "Translation System & Method"

Any inquiry concerning this communication or earlier communications from the examiner should be directed to

Manglesh M. Patel whose telephone number is (571) 272-5937. The examiner can normally be reached on M,F 8:30-6:00 T,TH

8:30-3:00 Wed 8:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be

reached on (571)272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-

273-8300.—

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval

(PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For more information about the PAIR system,

see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

Manglesh M. Patel
Patent Examiner
October 13, 2006

**CESAR PAULA
PRIMARY EXAMINER**
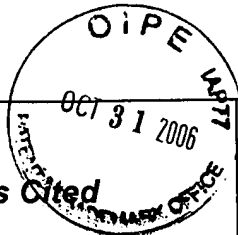
Notice of References Cited

Application/Control No.	Applicant(s)/Patent Under Reexamination
10/560,876	SCANLAN, PHILIP

Examiner	Art Unit	
Manglesh M. Patel	2178	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,901,367	05-2005	Berstis et al.	704/277
*	B	US-6,285,978	09-2001	Bernth et al.	704/7
*	C	US-2002/0123879	09-2002	Spector, Donald	704/2
*	D	US-5,778,380	07-1998	Siefert, David M.	707/103R
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T	—				

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.